

EX. 1058

From: Don Cole
Sent time: 10/18/2021 04:50:09 PM
To: Tim McHarg; Alison Van Gorp; Holly Mercier
Subject: RE: Shane Miller Appeal/Voluntary Compliance Agreement

It will be difficult to value. The rock sizes are smaller than typical rockeries of the same height, and therefore, less costly. Also, the wall appears to be built more like a facing for weathering (erosion), which would be cheaper than an interlocking rockery wall. For sure a standard built rockery of this same height would exceed \$7000, but a rock facing could be cheap. If their Geotech approves this facing wall as constructed, their approval would likely consider this as only a weather facing over competent underlying soils. It would be hard for us to argue the cost this installation but we could ask for their contractor invoice.

From: Tim McHarg <tim.mcharg@mercerisland.gov>
Sent: Friday, October 15, 2021 5:21 PM
To: Alison Van Gorp <alison.vangorp@mercergov.org>; Holly Mercier <holly.mercier@mercergov.org>; Don Cole <Don.Cole@mercergov.org>
Subject: RE: Shane Miller Appeal/Voluntary Compliance Agreement

I agree. It's hard to tell the length of the wall from that photo, but it could still be under \$7k in material and labor.

From: Alison Van Gorp <alison.vangorp@mercergov.org>
Sent: Friday, October 15, 2021 5:16 PM
To: Tim McHarg <tim.mcharg@mercerisland.gov>; Holly Mercier <holly.mercier@mercergov.org>; Don Cole <Don.Cole@mercergov.org>
Subject: RE: Shane Miller Appeal/Voluntary Compliance Agreement

Just circling back to this now that we know Mr. Miller is looking to re-apply for the building permit. I do not think the \$1,000 valuation is accurate given the work that was done (see photo below of the completed retaining wall – it's the portion upslope from the sidewalk). We may want to require a more accurate valuation with the next application. That in turn may push it above the valuation threshold for a shoreline exemption that Tim mentioned, not sure.

My recommendation would be for Holly's team to look at the valuation in the way that it is normally vetted and adjusted when the applicant gives us a low-ball number.

EX.1058-2

From: Tim McHarg <tim.mcharg@mercerisland.gov>

Sent: Tuesday, October 12, 2021 12:57 PM

To: Alison Van Gorp <alison.vangorp@mercergov.org>; Holly Mercier <holly.mercier@mercergov.org>; Don Cole <Don.Cole@mercergov.org>

Subject: RE: Shane Miller Appeal/Voluntary Compliance Agreement

I looked at the building permit that was previously submitted (1912-047). The valuation is \$1,000.00 per the contract amount. The valuation threshold that triggers a Shoreline Substantial Development Permit is currently \$7,047.00. Based on the valuation, this can be reviewed as a Shoreline Exemption regardless of whether this is new construction or repair/maintenance/replacement of the previous timber wall.

From what I understand (please correct me if I am wrong, since I am not familiar with the details), the project does not include any in- or over-water work and involves a retaining wall in the upland portion of the property. Therefore, no state or federal permitting is required for the project. That simplifies the interrelationship between the Shoreline Exemption and the building permit. (If state or federal permits were required, we could approve the Exemption, but would have to wait for the applicant to provide the approved state or federal permits prior to issuing the building permit.)

The take away is that the Exemption and building permit can be reviewed and issued concurrently. For that reason, I recommend that the deadline for receiving the approved Exemption be December 31, 2021 to synch up with the building permit.

Finally, to confirm, because there is a building permit required for the retaining wall, a separate Critical Area Review is not required to authorize the work in the landslide hazard area, steep slope (if applicable) and erosion hazard area.

Let me know if I have missed something. Thanks.